

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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John-Henry Doe,

Civil No. 19-1294 (DWF/SER)

Plaintiff,

vs.

Mower County Sheriff Office; Jim  
Lemecker, Officer; Austin Police  
Department; John Mueller, Officer;  
Ryan Lief, Officer; Ryan  
McCormack, Officer; and David  
Dyke, Officer,

**MOTION TO DECLARE PLAINTIFF**  
**A VEXATIOUS LITIGANT OF**  
**DEFENDANTS MOWER COUNTY**  
**SHERIFF OFFICE AND**  
**LEMECKER**

Defendants.

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Defendants Mower County Sheriff Office and Jim Lemecker, pursuant to Rules 10 and 11 of the Federal Rules of Civil Procedure move the Court for an order declaring the Plaintiff, whose real name is Benjamin Stayton, a vexatious litigant and request the Court issue an order:

1. Enjoining Stayton from filing any civil action in the United States District Court for Minnesota against Mower County, its officials, or its employees without first obtaining leave of court;
2. Requiring Stayton, in seeking leave to file any action, to certify that the claim or claims he wishes to present are not frivolous, malicious, or brought in bad faith;
3. Requiring Stayton to affix a copy of the Court's order creating these sanctions to any motion for leave to file a claim; and

4. Requiring Stayton to use his proper legal name both when applying for IFP status and on the pleadings of any future action he might bring.

This motion will be based upon the filings in support of the motion, and any hearing on the motion, if required.

QUINLIVAN & HUGHES, P.A.

Dated: August 8, 2019

s/ Kenneth H. Bayliss

Kenneth H. Bayliss

Attorney ID# 157569

Attorneys for Defendants Mower

County Sheriff Office and Lemecker

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